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IN THE

Supreme Court of the United States

OCTOBER TERM, 1980

No. 80-1933

LaPORTE TRANSIT CO., INC.

Petitioner,

vs.

LOCAL UNION NO. 301, CHAUFFEURS, TEAMSTERS AND HELPERS, AND INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA,

Respondents.

BRIEF IN OPPOSITION TO A PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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COUNTERSTATEMENT OF QUESTION PRESENTED FOR REVIEW

Did the Court of Appeals err in concluding that Section 303 of the Labor-Management Relations Act of 1947 as amended, 29 USC §187, was not violated when Local 301 picketed to enforce an award of the Joint Grievance Committee and to preserve its work and when Local 298 supported the Local 301 strike and never claimed the work?

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REASONS FOR DENYING THE WRIT

The petition demonstrates that the decision of the Seventh Circuit is in harmony with decisions of the Court, and that there exists no split in the circuits. No important policy issues are raised which would warrant review.

All that is involved is the failure of the district court to apply precedents of the Court involving a factual record which is not in dispute.

To establish a Section 303 violation plaintiff had the burden of proving that an object of the strike was "forcing or requiring any employer to assign particular work to employees in a particular trade, craft or class rather than to employees in another labor organization or in another craft." 29 USC §158(b)(4)(D).

CONCLUSION

Since the decision of the Seventh Circuit is in harmony with decisions of the Court and raises no fundamental policy questions, Local 301 and the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America pray that the petition be denied as raising no issue warranting review.

Respectfully submitted,

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